

#2

.PATENT  
Customer Number 22,852  
Attorney Docket No. 6530-0253-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Richard MONTALVO et al. )  
Serial No.: ) Group Art Unit: Unassigned  
Filed: November 19, 2001 ) Examiner: Unassigned  
For: ENDOSCOPIC SURGICAL )  
INSTRUMENT )

jc879 U.S. PTO  
09/988125  
11/19/01

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

PETITION UNDER 37 C.F.R. §1.47(a)

Pursuant to 37 C.F.R. §1.47(a), Applicants hereby petition for acceptance of the above-identified application on behalf of himself and non-signing inventors.

In the Declaration and Power of Attorney filed with this Petition, the signatures of two joint inventors, Messrs. Richard Montalvo and Ceasar Escobar, are missing because the inventors cannot be reached after diligent effort. In support of this Petition, Applicants submit the Declaration in Support of Petition that fully describes the facts which are relied on to establish that a diligent effort to locate the inventors was made. That Declaration also states the last known addresses of the non-signing inventors in accordance with 37 C.F.R. §1.47(a).

A fee of \$130.00 for the petition under 37 C.F.R. §1.47(a) is enclosed.

RECEIVED

DEC 17 2001

OFFICE OF PETITIONS  
DEPUTY A/C PATENTS

LAW OFFICES

FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N. W.  
WASHINGTON, DC 20005  
202-408-4000

11/20/2001 MREKONED 00000005 09988125

VE FC:12E

130.00 00

If there are any other fees due in connection with the filing of the Petition,  
please charge the fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON,  
FARABOW, GARRETT & DUNNER,  
L.L.P.

Dated: November 19, 2001

By: \_\_\_\_\_

*Leslie I. Bookoff*  
Leslie I. Bookoff

Reg. No. 38,084

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
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Serial No.: ) Group Art Unit: Unassigned  
Filed: ) Examiner: Unassigned  
For: ENDOSCOPIC )  
SURGICAL )  
INSTRUMENT )

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**DECLARATION IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.47(a)**

I, Kathleen Cronin, hereby declare as follows:

1. I am employed by Boston Scientific Corporation as a Patent Secretary.
2. I understand that Messrs. Richard Montalvo and Ceasar Escobar are joint inventors along with Mr. Curt Willem in the above-captioned patent application.
3. Mr. Montalvo's last known address is 8333 Lake Drive, Apartment L301, Miami, FL 33166, and his last known telephone number is 305-436-0578. Mr. Escobar's last known address is 5112 NW 79th Avenue, Building 8, Apartment 308, Miami, FL 33166, and his last known telephone number is 305-513-9841.

0992242200

059925-1904  
FBI

4. I sent a package with a copy of the above-identified application and a Declaration and Power of Attorney to Mr. Montalvo's last known address via Federal Express on January 19, 2001; however, it was returned unopened. Federal Express informed me that the package was undeliverable. I attach a copy of the cover letter and the shipment label with a Federal Express tracking number for the package.

5. I also sent a package with a copy of the same materials to Mr. Escobar at his last known address via Federal Express on January 19, 2001; however, I have not received the package back from him.

6. I also have attempted to reach Messrs. Montalvo and Escobar by telephone on several occasions. I first attempted to call Mr. Montalvo at 787-873-2075 on February 21, 2001. I was informed by a telephone company information service that the telephone number for Mr. Montalvo had been changed to 305-436-0578, and I called that number. After the telephone rang for a period of time, it ended with a beep that sounded similar to an answering machine, and I left a message asking to return my call. The call was not returned. I also first attempted to call Mr. Escobar on that same date at the telephone number listed in paragraph 3 above. However, no one answered my call.

7. I then attempted to call Messrs. Montalvo and Escobar on June 7 and July 31, 2001. For both attempts, I left a message to Mr. Montalvo after a period of rings and a beep sound. The message has not been returned. No one answered the telephone calls to Mr. Escobar.

0998425-14004  
T05T523660

8. I then tried to call Mr. Escobar on July 31, 2001. A person answered the telephone for Mr. Escobar and informed me that Mr. Escobar no longer lived there. The person, however, could not provide me with forwarding information for Mr. Escobar.

9. I also tried to call Mr. Montalvo on August 14, 2001. Again, after ringing for a period of time, the telephone ended with a beep sound. I left another message asking to return my call. The message has not been returned.

10. Despite my repeated attempts to reach Messrs. Montalvo and Escobar, I have not been able to locate them to this date.

11. To my knowledge, Messrs. Richard Montalvo and Ceasar Escobar no longer work for Symbiosis Corporation, a company related to assignee Scimed Life Systems, Inc., or any other company related to assignee. I am currently unaware of the place of employment of either of these joint inventors.

12. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Kathleen Cronin  
Kathleen Cronin

November 13, 2001  
Date

# Boston Scientific



Boston Scientific Corporation  
One Boston Scientific Place  
Natick, MA 01760-1537

Tel. 508.650.8000  
www.bsci.com

January 19, 2001

**VIA FEDERAL EXPRESS**

Richard Montalvo  
8833 Lake Drive  
Apartment L301  
Miami, FL 33166

RE: US Patent Application No. 09/603,886  
Title: "*Endoscopic Surgical Instrument*"  
Our Reference No.: 98-P0156US1

Dear Richard:

Enclosed please find Declaration and Power of Attorney and Assignment documents for the above-referenced patent application. Please sign and date both of these where indicated, noting that the Assignment must be notarized.

Please return the original executed documents to my attention in the enclosed Federal Express envelope at your earliest convenience.

If you have any questions, I can be reached at (508) 650-8768.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Kathy", is written above the typed name.

Kathleen Cronin  
Patent Secretary

/kec  
Enclosure

From: KATHLEEN CRONIN (508)650-8768  
BOSTON SCIENTIFIC CORP  
1 BOSTON SCIENTIFIC PLACE

NATICK, MA, 01760

To: Richard Montalvo (787)873-2075

SHIPPER'S FEDEX ACCOUNT #



**FedEx.**

SHIP DATE: 19JAN01  
WEIGHT: 1 LBS

**8333 Lake Drive  
Apartment L301  
Miami, FL, 33166**

Ref: 10032



DELIVERY ADDRESS

TRK # 7904 5036 8317 FORM 0201

STANDARD OVERNIGHT

FLL

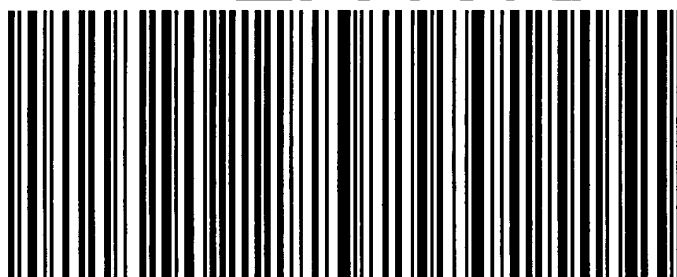
33166-FL-US

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AA

Deliver by:  
22JAN01



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1. Use the "Print" feature from your browser to send this page to your laser or inkjet printer.
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3. Place label in shipping label pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.
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# Boston Scientific

Boston Scientific Corporation  
One Boston Scientific Place  
Natick, MA 01760-1537

Tel. 508.650.8000  
www.bsci.com

January 19, 2001

**VIA FEDERAL EXPRESS**

Cesar A. Escobar  
5112 NW 79<sup>th</sup> Avenue  
Building 8  
Apartment 308  
Miami, FL 33166

RE: US Patent Application No. 09/603,886  
Title: "*Endoscopic Surgical Instrument*"  
Our Reference No.: 98-P0156US1


Dear Cesar:

Enclosed please find Declaration and Power of Attorney and Assignment documents for the above-referenced patent application. Please sign and date both of these where indicated, noting that the Assignment must be notarized.

Please return the original executed documents to my attention in the enclosed Federal Express envelope at your earliest convenience.

If you have any questions, I can be reached at (508) 650-8768.

Very truly yours,



Kathleen Cronin  
Patent Secretary

/kec  
Enclosure



From: KATHLEEN CRONIN (508)650-8768  
BOSTON SCIENTIFIC CORP  
1 BOSTON SCIENTIFIC PLACE

NATICK, MA, 01760

To: Cesar Escobar (305)513-9841

5112 NW 79th Ave, Bldg 8  
Apartment 308  
Miami, FL, 33166

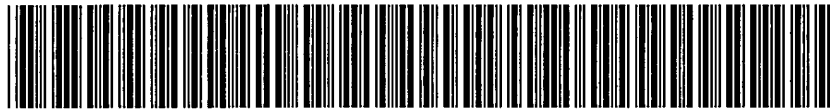
Ref: 10032

SHIPPER'S FEDEX ACCOUNT #



**FedEx.**

SHIP DATE: 19JAN01  
WEIGHT: 1 LBS



DELIVERY ADDRESS  
TRK # 7909 0813 6511 FORM 0201

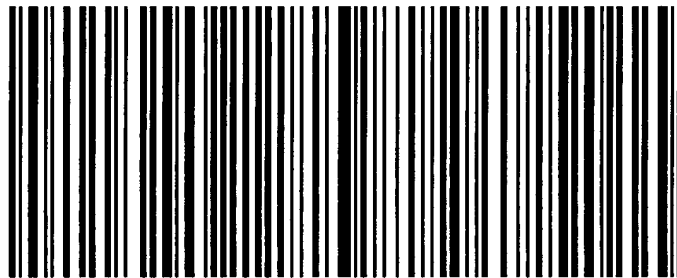
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